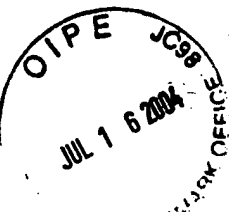


IFW



PATENT  
Customer No. 22,852  
Attorney Docket No. 5725.0425-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	) <u>Prior Application</u>
	)
Isabelle ROLLAT-CORVOL et al.	) Group Art Unit: 1616
	)
Application No.: 10/706,048	) Examiner: M. Lamm
	)
Filed: November 13, 2003	)
	)
For: COSMETIC COMPOSITION	)
COMPRISING AT LEAST ONE	)
BRANCHED SULPHONIC	)
POLYESTER AND AT LEAST	)
ONE CONDITIONING AGENT	)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL SUBMISSION PRIOR TO EXAMINATION**

Further to the July 16, 2004 conversation with Examiner Lamm and Applicants' undersigned representative, Applicants submit the enclosed Declaration Under 37 C.F.R. 1.132 of Jonathan Gawtreys. Applicants request that Examiner Lamm consider the enclosed Declaration prior to examination of the above identified application.

In his Declaration, Mr. Gawtreys describes testing between inventive compositions comprising branched sulphonic polyesters and comparative compositions, such as those of record in the parent Application No. 09/330,075 (now abandoned) that contain linear sulphonic polyesters. The results indicate that when applied to hair, compositions containing branched sulphonic polyesters consistently give the hair greater softness than compositions containing linear sulphonic polyesters. Additionally, sensitized locks

treated with branched sulfonic polyester are more easily disentangled than the sensitized locks treated with comparative Composition B'.


Examiner Lamm is invited to call Louis Troilo at 202-408-6020 if she has any questions on the Declaration or if she believes that the results shown therein do not put this case in condition for allowance.

If there is any fee due in connection with the filing of this Communication, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 16, 2004

By:   
\_\_\_\_\_  
Louis M. Troilo  
Reg. No. 45,284



PATENT  
Customer No. 22,852  
Attorney Docket No. 5725.0425-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	) <u>Prior Application</u>
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POLYESTER AND AT LEAST	)
ONE CONDITIONING AGENT	)
	)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION UNDER 37 C.F.R. 1.132**

I, Jonathan GAWTREY, declare and state that:

1. I am a British subject, residing at 16, rue Louis Pasteur, 92100 Boulogne, France.
2. I have been awarded a Master's degree in Chemistry from University of Manchester Institute of Science and Technology (U.M.I.S.T.).
3. I have been employed by L'ORÉAL since 1998 and I am presently a Research Engineer in the Hair Styling Applied Research Department at L'ORÉAL. During my employment at L'ORÉAL, I have engaged in applied research and development regarding cosmetics and compositions for the treatment of hair.

4. Given my education and experience, particularly in the area of cosmetics and compositions for the treatment of hair, I consider myself able to provide the following testimony based on the following additional experiments for the above-identified patent application conducted by me or under my supervision.

**Comparative Testing**

5. Testing was performed between inventive compositions that contain branched sulphonic polyesters and comparative compositions that contain linear sulphonic polyesters as follows:

**Composition A** (Inventive Composition)

AQ 1045 (branched sulphonic polyester)	1.2 g
DC 190 Surfactant	0.2 g
Water	qs 100 g

**Composition A'** (Comparative Composition)

AQ 29 (linear sulphonic polyester)	1.2 g
DC 190 Surfactant	0.2 g
Water	qs 100 g

**Composition B** (Inventive Composition)

AQ 1950 (branched sulphonic polyester)	8.3 g
DC 939	1 g
Water	qs 100 g

**Composition B'** (Comparative Composition)

AQ 29 (linear sulphonic polyester)	1.2 g
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DC 939 0.2 g  
Water qs 100 g

6. Each of the above compositions were applied to locks of natural (or previously untreated) hair and sensitized (or hair previously treated by chemicals) hair by pressing each lock five times per side, and then drying and combing the locks. Inventive Composition A was compared to non-Inventive Composition A', while Inventive Composition B was compared to non-Inventive Composition B'. The results were as follows:

Composition A vs. Composition A'

Natural locks

	Tester 1		Tester 2		Tester 3		Tester 4		Tester 5		Average	
Compositions	A	A'	A	A'	A	A'	A	A'	A	A'	A	A'
Softness	40	30	40	30	35	30	40	35	40	35	39	32

Sensitized locks

	Tester 1		Tester 2		Tester 3		Tester 4		Tester 5		Average	
Compositions	A	A'	A	A'	A	A'	A	A'	A	A'	A	A'
Disentangling	45	35	45	30	45	35	40	30	45	35	44	33
Softness	35	25	35	25	35	30	30	25	35	20	34	25

7. Composition A containing the branched sulfonic polyester gives the locks (both sensitized and natural), a greater softness than the composition based on linear sulfonic polyester (Composition A'), after disentangling. The sensitized locks treated

with Composition A are also more easily disentangled than the sensitized locks treated with Composition A'.

Composition B vs. Composition B'

Natural locks

	Tester 1		Tester 2		Tester 3		Tester 4		Tester 5		Average	
Compositions	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>
Softness	<b>25</b>	20	<b>20</b>	15	<b>25</b>	15	<b>20</b>	15	<b>25</b>	15	<b>23</b>	16

Sensitized locks

	Tester 1		Tester 2		Tester 3		Tester 4		Tester 5		Average	
Compositions	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>	<b>B</b>	<b>B'</b>
Disentangling	<b>20</b>	5	<b>25</b>	10	<b>20</b>	5	<b>25</b>	10	<b>20</b>	5	<b>22</b>	7
Softness	<b>20</b>	5	<b>25</b>	10	<b>20</b>	5	<b>25</b>	10	<b>20</b>	10	<b>22</b>	8

8. As in the case of the first comparison with Inventive Composition A, Composition B, containing the branched sulfonic polyester gives the locks a greater softness than Composition B' based on a linear sulfonic polyester. The sensitized locks treated with Composition B are also more easily disentangled than the sensitized locks treated with Composition B'.

9. These examples show that when applied to hair, compositions containing branched sulphonic polyesters consistently give the hair greater softness than compositions containing linear sulphonic polyesters. Additionally, sensitized locks treated with branched sulfonic polyester are more easily disentangled than the sensitized locks treated with Composition B'.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 5<sup>th</sup> June 2004

By:   
Jonathan GAWTREY